

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

IN RE MERCK & CO., INC.,  
VYTORIN/ZETIA SECURITIES  
LITIGATION

Civil Action No. 08-2177 (DMC)(JAD)

**ORDER**

WHEREAS, on June 3, 2011, Plaintiffs in the above matter moved for leave to amend their Complaint dated October 6, 2008;

WHEREAS, on July 15, 2011, Defendants moved to compel production of Plaintiffs' investigative memoranda concerning "confidential witnesses";

WHEREAS, on August 23, 2011, Plaintiffs submitted a letter to the Court attaching a "revised" First Amended Complaint; and

WHEREAS, on September 6, 2011, the Court heard argument on these matters, and good cause appearing,

IT IS this \_\_\_\_ day of September 2011,

**ORDERED THAT:**

1. Plaintiffs' motion to file the First Amended Consolidated Complaint, filed June 3, 2011 (Docket Entry 150), is granted.
2. Plaintiffs' letter request to further amend paragraph 165 of the First Amended Consolidated Complaint is granted.
3. With respect to Plaintiffs' letter request to amend the First Amended Consolidated Complaint to add paragraphs 356 and 357, Plaintiffs shall file a letter brief in support of their request on or before September 20, 2011, and Defendants shall file an opposition thereto on or before September 30, 2011.

4. Defendants' letter motion to compel production of Plaintiffs' investigative memoranda and other documents reflecting interviews with confidential witnesses (Docket Entry 169) is denied

5. Plaintiffs may not use their investigative memoranda or other documents reflecting interviews with confidential witnesses for any purpose in this case, except as a defense to any Rule 11 sanctions motion Defendants may make in this matter.

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JOSEPH A. DICKSON, U.S.M.J.